IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7650 OF 2007

Manu Smruti Co-op. Hsg.Sty Ltd.... Petitioner

versus

Div.Jt.Registrar
Co-op. Hsg. Sty. and others..... Respondent.

Ms. Sumedha Rao for the petitioner
Mr. P.S. Dani i/b Nitin Mulye for respondents 2 and 3.

CORAM; A.P. DESHPANDE, J.
DATED; 23RD OCTOBER, 2007

P.C.;

1. The respondent nos.2 and 3 purchased flat no.10 on third floor of Manu Smruti Co-op.Housing Society and also claims to have purchased the terrace on the third floor adjoining the flat. There is also a terrace for common use on the fourth floor and in regard to this terrace on the fourth floor there is no dispute. The respondent nos. 2 and 3 approached Deputy Registrar under section 22 of the Co-operative Societies Act claiming membership. The Deputy Registrar granted membership to the respondent nos.2 and 3 herein. The order passed by the Deputy Registrar has been confirmed by dismissing the revision filed by the society/present petitioner. Aggrieved by the order passed by the Divisional Joint Registrar, Co-operative Societies, the present petitioner/housing society has

filed this Writ Petition.

2. It is a common ground that separate share certificates are not issued for the terrace. The learned counsel for the petitioner in all fairness submits that the society has no objection for granting membership to the respondent nos.2 and 3 so far as the flat the third floor is concerned. If this be the position, the impugned order is not required to be interfered with. Leaving all questions open, about legality or otherwise of the purchase of the terrace on the third floor by the respondent nos.2 and 3 from the builder, for being agitated before appropriate forum in appropriate proceeding, present Writ Petition is disposed of.

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